

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

FREDERICK D. JONES,)	
Plaintiff,)	
)	
vs.)	Case No. 4:16-cv-0028-TWP-TAB
)	
OFFICER CLINTON RUOFF, et al.,)	
)	
Defendants.)	

**Entry Granting *In Forma Pauperis* Status, Discussing Complaint, and
Directing Service of Process**

This matter is before the Court on Plaintiff’s Motion to Proceed *In Forma Pauperis* and for screening pursuant to 28 U.S.C. § 1915A(b).

I. Motion to Proceed *In Forma Pauperis*

Plaintiff’s motion to proceed *in forma pauperis* [dkt. 2] is **granted**. The assessment of an initial partial filing fee is not feasible at this time.

Notwithstanding the foregoing ruling, the \$350.00 filing fee remains due. “All [28 U.S.C.] § 1915 has ever done is excuse *pre*-payment of the docket fees; a litigant remains liable for them, and for other costs, although poverty may make collection impossible.” *Abdul-Wadood v. Nathan*, 91 F.3d 1023, 1025 (7th Cir. 1996).

II. Screening

The Plaintiff, Frederick D. Jones (“Mr. Jones”), an inmate at the Floyd County Jail, brings this civil rights complaint pursuant to 42 U.S.C. § 1983. He has named two defendants: 1) New Albany City Police Officer Clinton Ruoff; and 2) Officer Edgell. Mr. Jones seeks compensatory damages and an apology on television.

The complaint is subject to the screening required by 28 U.S.C. § 1915A(b). This statute directs that the Court dismiss a complaint or any claim within a complaint that “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” *Id.* “A complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show the plaintiff is not entitled to relief.” *Jones v. Bock*, 549 U.S. 199, 215 (2007).

Mr. Jones alleges that Officer Ruoff pulled him over on December 7, 2015. Mr. Jones was the passenger in his vehicle and a white female was driving. Mr. Jones was taken to the back of an officer’s vehicle and questioned repeatedly about what he was doing with the white female. Mr. Jones said nothing and he was arrested. Later that night he was charged with possession of one gram of crack cocaine. He alleges that the officers conspired and planted illegal drugs or claimed to have found them when no one else was present. He alleges that the defendants lied in the affidavit to obtain an arrest warrant, and it was racially motivated. The prosecutor ultimately dropped the charges against Mr. Jones, with the exception of a violation of probation charge.

Although Mr. Jones does not allege by name that Officer Edgell planted drugs or falsified the probable cause affidavit, because of his use of the word “defendants” the Court will treat these allegations as applying to both named defendants. *If this is not an accurate assumption*, Mr. Jones shall file an amended complaint ***not later than March 31, 2016***, with more specific facts asserted as to what each defendant did to violate his constitutional rights. The amended complaint would completely replace the original complaint, so it would need to include all claims and what he seeks for relief.

The Court discerns Mr. Jones' claims to be false arrest and malicious prosecution under the Fourth Amendment to the United States Constitution. These claims will proceed against both defendants.

III. Service of Process

The clerk is designated pursuant to *Fed. R. Civ. P.* 4(c) to issue process to defendants Officer Clinton Ruoff and Officer Edgell in the manner specified by Rule 4(d). Process shall consist of the complaint filed on February 24, 2016, applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

IT IS SO ORDERED.

Date: 2/25/2016

Distribution:

Frederick D. Jones
Floyd County Jail
Inmate Mail/Parcels
311 Hauss Square
P. O. Box 1406
New Albany, IN 47150

Officer Clinton Ruoff
New Albany City Police Department
311 Hauss Square, #131
New Albany, IN 47150

Officer Edgell
New Albany City Police Department
311 Hauss Square, #131
New Albany, IN 47150



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

NOTE TO CLERK: PROCESSING THIS DOCUMENT REQUIRES ACTIONS IN ADDITION TO DOCKETING AND DISTRIBUTION.